

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Urmita Datta (Sen) Member (J) &

MA-149/2018 (OA-418/2018)

Hon'ble P. Ramesh Kumar, Member (A)

Bandana SahaVs**The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>02</u> 19.11.2018</p>	<p>For the applicant : Mr. M.N. Roy, Learned Advocate.</p> <p>For the respondent : Mr. S.N. Roy, Learned Advocate.</p> <p style="text-align: center;"><u>MA-149/18</u></p> <p>The instant application has been filed praying for following relief :-</p> <p style="text-align: center;">a) An order do issue directing the respondent authorities to immediately disburse all pensionary and retiral benefits payable and admissible to the applicant with interest for delayed payment thereof after more than a couple of years after her retirement.</p> <p style="text-align: center;">b) An order do issue directing the respondent authorities to forthwith release and disburse all retiral benefits all pensionary and retiral benefits payable and admissible to the applicant with interest including benefits of CAS, ROPA and other</p>	

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<p style="text-align: center;">19</p> <hr/> <p>19.11.2018</p> <p style="text-align: left; margin-top: 20px;">Page /3</p>	<p>of 2016 which was disposed of vide order 29.04.2016 holding interalia :-</p> <p style="text-align: center;">In the facts above, we direct the Respondent No. 1, Secretary, Animal Resources Development Department to dispose of the departmental proceeding, if not disposed of by this time., pending against the applicant within a period of four months from the date of communication of this order after considering her prayer, if any, for supplying necessary documents in accordance with Rules. In case, the proceeding is not concluded within the period stipulated the same will be deemed to have been concluded automatically subject to full cooperation and active participation of the applicant in the departmental proceeding. So, we direct the</p>	

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<p style="text-align: center;">02 19.11.2018</p> <p style="text-align: right;">P/4</p>	<p style="text-align: center;">applicant also to cooperate and participate in the proceeding as and when asked for.</p> <p style="text-align: center;">Matter is disposed of with direction above.</p> <p style="text-align: center;">Thereafter the applicant communicated the said order to the respondent authorities which was received by them on 18.05.2016.</p> <p style="text-align: center;">According to the applicant, in view of the Tribunal's earlier order dated 29.04.2016 the respondents have to complete the disciplinary proceeding by four months from 18.05.2016 or the charge sheet order would be treated as null and void. However, the respondents neither asked the applicant to appear for any departmental proceeding nor the respondents have passed any order within four months stipulated time. In the meantime the applicant retired on 31.12.2016. However, after two years after her retirement, second show cause notice dated 07.05.2018 has been issued proposing 10 % cut in pension. Being</p>	

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<p style="text-align: center;">02</p> <hr/> <p>19.11.2018</p> <p style="text-align: left; margin-top: 100px;">SC</p>	<p>disposal of the original application and in the meantime the respondents are directed to disburse all retiral benefits including admissible provisional pension immediately within a period of four weeks from the date of receipt of this order. Accordingly MA is disposed of.</p> <p style="text-align: center;">Respondents are directed to file reply within four weeks as last chance and rejoinder, if any, may be filed by two weeks thereafter. It is made clear that if no reply is filed by the next date, the matter would be heard on the basis of available materials on record. The matter will appear on 15.01.2019.</p> <p style="text-align: center; margin-top: 50px;"> P. RAMESH KUMAR MEMBER(A) </p> <p style="text-align: center; margin-left: 150px;"> URMITA DATTA (SEN) MEMBER (J) </p>	

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